

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 WARREN ERIC ARMSTEAD, )  
9 Petitioner, ) CASE NO. C11-1352-MJP-MAT  
10 v. ) (CR04-512-MJP)  
11 UNITED STATES OF AMERICA, ) ORDER DENYING PETITIONER'S  
12 Respondent. ) MOTION FOR APPOINTMENT OF  
 ) COUNSEL

14 This is a matter brought pursuant to 28 U.S.C. § 2255. Petitioner has presented to the  
15 Court for consideration a motion requesting appointment of counsel and requesting transcripts.  
16 The Court, having reviewed petitioner's motion, does hereby find and ORDER as follows:

17 (1) Petitioner's request for appointment of counsel (Dkt. No. 7) is DENIED. There  
18 is no right to have counsel appointed in cases brought under 28 U.S.C. § 2255 unless an  
19 evidentiary hearing is required. See *Terrovona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir.  
20 1988); *Brown v. Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1991); and Rule 8(c) of the Rules  
21 Governing Section § 2255 Cases in the United States District Courts.

22 The Court may exercise its discretion to appoint counsel for a financially eligible

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01 individual where the "interests of justice so require." 18 U.S.C. § 3006A. However,  
02 petitioner fails to satisfy the Court that the interests of justice are best served by appointment  
03 counsel at this juncture. If the Court later orders an evidentiary hearing, the Court will appoint  
04 counsel if petitioner qualifies.

05 (2) Petitioner's request for transcripts is DENIED. Petitioner does not identify  
06 which transcripts he needs nor does he provide a clear explanation of why he needs any  
07 transcripts at all. The Court notes that a number of transcripts are already on file in the  
08 underlying criminal case which petitioner may obtain by simply submitting a request to the  
09 Clerk of Court along with the requisite copy fee.

10 (3) The Clerk shall direct copies of this Order to petitioner, to counsel for the  
11 government, and to the Honorable Marsha J. Pechman.

12 DATED this 8th day of September, 2011.

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15 Mary Alice Theiler  
United States Magistrate Judge